

REMARKS

This is in full and timely response to the above-identified Office Action. As noted above, the election is made without traverse of the Patent Office's position that the non-elected claims define arrangements which are patentably distinct from that defined in the elected claims and which therefore may therefore be pursued in a divisional application.

It is the Applicant's understanding that a patent issuing on an application with respect to which a requirement for restriction under the above-noted section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application (35 USC § 121).

In this response, claims 4 and 5 are amended to improve their clarity and form. The amendment to claim 5, irrespective of its pending withdrawal, is such as to correct improper multiple dependency.

Respectfully submitted,

By 

William T. Ellis
Registration No. 26,874

Date April 25, 2005

FOLEY & LARDNER LLP
Customer Number: 22428
PATENT TRADEMARK OFFICE
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

Keith J. Townsend
Registration No. 40,358